

G6T8GRES

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

09 Cr. 722 (LAP)

5 PAUL GREENWOOD,

6 Defendant.  
7

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8  
9 June 29, 2016  
12:00 p.m.

10 Before:

11 HON. LORETTA A. PRESKA

12 District Judge

13 APPEARANCES

14 PREET BHARARA

United States Attorney for the  
Southern District of New York

15 JESSICA MASELLA

Assistant United States Attorney

17 FREDERICK P. HAFETZ

Attorney for Defendant

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1 (Case called)

2 THE COURT: Is the government ready?

3 MS. MASELLA: Yes, your Honor. Good afternoon.

4 Jessica Masella for the government.

5 THE COURT: Is the defense ready?

6 MR. HAFETZ: Yes, I am. Good morning, your Honor.

7 THE COURT: Good morning.

8 Mr. Greenwood, can you hear me?

9 THE DEFENDANT: I can.

10 THE COURT: Excellent.

11 Counsel, in terms of proceeding, it seems to me that  
12 Judge Cedarbaum found the total offense level, found the  
13 criminal history category, and that we are really at the point  
14 of counsel speaking for Mr. Greenwood. The government made its  
15 motion --

16 MS. MASELLA: Correct, your Honor.

17 THE COURT: -- under 5K1.

18 So I think we are at the stage where we would look to  
19 counsel to speak on behalf of Mr. Greenwood.

20 MR. HAFETZ: Thank you, your Honor.

21 THE COURT: Yes, sir.

22 MR. HAFETZ: Your Honor, I would like to begin with  
23 the consideration of the personal history and characteristics  
24 of Mr. Greenwood, which we submit is relevant to sentencing or  
25 the resentencing. As cases have said in this district, the

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1 criminal conduct has to be assessed with regard to the overall  
2 behavior of the defendant and his conduct hereto, in addition  
3 to the criminal conduct. And we submit here that looking at  
4 the whole life of Mr. Greenwood, Mr. Greenwood has been a  
5 person who really for decades, almost throughout his entire  
6 life, is an individual who has performed not only good deeds,  
7 but extraordinary deeds.

8 Many letters to the court depict this, I think, in  
9 very strong fashion. And the letters just overall, I believe,  
10 your Honor, many of them, are prior to the criminal conduct,  
11 prior to any money that Mr. Greenwood may have obtained from  
12 criminal conduct; they antedate that by decades. Much of the  
13 good conduct that he has done and the good deeds were done  
14 anonymously, not for recognition. And I believe the kind of  
15 conduct, as described in the 80 or so letters that were  
16 submitted to the court, show Mr. Greenwood to be a person who  
17 truly not only has performed good deeds, but extraordinary  
18 deeds; a person who has devoted himself to helping others  
19 throughout his life.

20 His wife Robin, who by the way is unable to be here  
21 today, she had planned to be here on Tuesday, but she had some  
22 business commitments, a business that she runs in North  
23 Carolina, that she absolutely could not change, and so is not  
24 able to be here today. She has submitted two letters to the  
25 court. And her letter I think aptly summarizes what Mr.

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1 Greenwood has been throughout his life. She says in her letter  
2 he is the first to offer help, and that really I think  
3 signifies Mr. Greenwood's attitude towards how he conducts  
4 himself with regard to other people.

5 Of particular note, your Honor, in the letters, I  
6 would say, are the letters with regard to the tuition that Mr.  
7 Greenwood has paid, either in full or a significant part, for  
8 persons who otherwise would not have otherwise gone to college.  
9 I am sure your Honor is familiar with the letters, but just to  
10 note a few of them.

11 There is a letter of Alice Debany Clero, who writes in  
12 her letter how she went to New York University. Mr. Greenwood  
13 offered her a life-changing proposal; this is while she was  
14 working for him. "If I worked for him, he wanted me to go to  
15 university and he would pay for all of my tuition. I went to  
16 New York University for five years at night while working for  
17 Paul. He continued to be like a father to me. He read all of  
18 my papers. He gave me all kinds of advice about life, and was  
19 supportive of every venture I took on."

20 In a similar fashion, Dr. George Zabrecky writes that  
21 the time when he was considering medical school -- this is  
22 pre-fraud, pre-obtaining any money from criminal conduct.

23 By the way, your Honor, we are quite aware it's  
24 serious criminal conduct and in no way do we attempt to argue  
25 the conduct was not serious here. I address here merely

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1 3553(a)(1), personal history and characteristics, which the  
2 courts have said is of extreme importance and relevance with  
3 regard to the sentence that should be imposed.

4 Dr. Zabrecky describes also, he says: "I was  
5 considering attending medical school. This was an important  
6 decision for my career advancement. It would put extreme  
7 pressure, both financial and emotional, on me and my family.  
8 There would be no money coming in since I would not be working;  
9 there would be money going out to pay the medical school  
10 tuition." He was married at the time with several children.  
11 "Generously, Mr. Greenwood agreed to pay for most of the  
12 tuition. Over the years at medical school, whenever I was in  
13 doubt about continuing, I would speak with Paul. His support  
14 was instrumental in my completing medical school. Graduation  
15 would not have been possible without his personal and financial  
16 support."

17 In similar fashion, other people describe Mr.  
18 Greenwood paying for their college tuition. He didn't have to  
19 do that; he just did it because it is such an engrained part of  
20 his nature.

21 Karina Bustamante, the daughter of an immigrant from  
22 Venezuela who worked with Mr. Greenwood, writes that Mr.  
23 Greenwood also, essentially, paid for a substantial amount of  
24 her tuition so she could receive a college degree.

25 Other letters also describe Mr. Greenwood doing the

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1 same for people who would not have had that opportunity, except  
2 for the good acts, extraordinary good deeds by Mr. Greenwood.

3 In addition to the help for educational purposes for  
4 people who have not been able to have that in life, Mr.

5 Greenwood also throughout his life, prior to crime, after the  
6 crime, throughout his life has been a significant force in

7 stepping in where there were health-care crises, some of them  
8 life-threatening, in order to enable people to receive proper

9 medical attention. There are numerous letters that were

10 written to the court with regard to that. In some cases Mr.

11 Greenwood provided the funding, in some cases Mr. Greenwood

12 organized financial support from himself and others, and in

13 some cases he became a staunch advocate with the health

14 insurance company in order to obtain the help for people.

15 These were people, as I say, who had health crises, some of

16 them life-threatening, some of them extremely serious

17 conditions.

18 The letter from Brian Simonson talks about the

19 individual, his partner at the time, who worked for Mr.

20 Greenwood, who was paralyzed; and not knowing whether it would

21 be a lifelong paralysis or not from an accident, Mr. Greenwood

22 stepped in and organized the care which brought him back to

23 health.

24 A young man, Frank Florenzino, 26, diagnosed with

25 lymphoma cancer at the time, writes that Mr. Greenwood was the

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1 person who stepped in and both helped fund and organize the  
2 medical support that has brought him back to health.  
3 Basically, in his letter, the quote says that Mr. Greenwood  
4 saved his life.

5 Kenneth and Jami Adams -- by the way, these are not  
6 relatives; they are not family. These are friends, and  
7 sometimes complete strangers, that Mr. Greenwood barely knew,  
8 but Mr. Greenwood was of such a decent and compassionate nature  
9 that he would step in and do what many other people would not  
10 do. He would come to basically the aid of these people in  
11 substantial ways.

12 He did the same for the daughter of Kenneth and Jami  
13 Adams, and they have written a letter to the court, talked  
14 about their daughter who had a serious life-threatening  
15 condition. Mr. Greenwood was the person who was responsible  
16 for obtaining the health care for the daughter and brought her  
17 back to health. As they say in the letter, "Paul saved our  
18 daughter's life and changed ours for ever, and we are eternally  
19 grateful to him and will always consider him a friend."

20 There are many others who write in similar fashion  
21 about the health care that Mr. Greenwood was the person who was  
22 singly responsible for obtaining for them and for bringing them  
23 back to a healthful state.

24 Also, Mr. Greenwood was, because of his compassion,  
25 was cognizant of those who are handicapped persons. There is a

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1 letter from Wondrous Burns, who writes a letter to the court  
2 stating that she was born with polio -- not born, but had  
3 infantile paralysis and had to wear braces from that point on,  
4 but she decided she wanted to try horseback riding. With Mr.  
5 Greenwood's concern, financial support and devotion to her, she  
6 writes that she was able to compete in the Paralympics of  
7 horseback riding. As she puts it, it was Mr. Greenwood who  
8 helped give her her dignity in life.

9           There are others who talk about Mr. Greenwood coming  
10 to their aid, who are also handicapped, and Mr. Greenwood again  
11 stepped in to help them. He didn't have to do that. It wasn't  
12 like he was accumulating letters because he was going to be  
13 sentenced some day.

14           THE COURT: I have a pretty good sense of that.

15           MR. HAFETZ: There is a letter from the immigrant  
16 George Bustamante, Mr. Greenwood helped bring his family up  
17 from Venezuela, obtained visas for them and provided housing  
18 for them.

19           The letters go on and on, people with everyday kind of  
20 needs. There is Rosemary DeAngelis, who writes a letter about  
21 her home, and someone Mr. Greenwood barely knew. She lived in  
22 a community that developed a toxic environmental problem in the  
23 home. She had to move out. Mr. Greenwood immediately and  
24 spontaneously offered her his own home to live in.

25           So I think the letters are a testament to an



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1 individual who has had an extraordinary concern, compassion,  
2 and has spent a good amount of his life, over the period of  
3 life, performing these acts.

4 In addition to these letters, which describe these  
5 extraordinary good deeds and the nature of Mr. Greenwood, in  
6 terms of really exhibiting virtues that are what we would  
7 consider admirable in our fellow men and women, in addition to  
8 this, which bears heavily, I believe, your Honor, on the 3553  
9 factors, also in the personal and history considerations of  
10 significance is the situation with respect to Mr. Greenwood's  
11 daughters. He has two daughters -- Karen 21, Laura 17 -- both  
12 adopted. Unfortunately, they have had extreme emotional and  
13 psychological problems virtually throughout their entire life.

14 Mr. Greenwood's sister-in-law, Dr. Audrey Griesbach,  
15 whose husband James sits in the courtroom today -- James being  
16 Mr. Greenwood's brother -- a pediatrician and a developmental  
17 behavioral specialist, describes in her letter the nature of  
18 that condition and the difficulties they have had.

19 The younger one Laura, as Robin states in her  
20 supplemental recent letter to the Court, Laura now being 17 is  
21 in her latest therapeutic school, having been kicked out of  
22 several others previously, and as Robin states in her letter,  
23 Laura has gotten worse, her condition remains unabated and, if  
24 anything, has gotten worse. Throughout their life, the  
25 troubled life, as described in Robin's letter, Paul Greenwood

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1 was always the rock of really relating to the daughter. Robin  
2 is a wonderful mother. It turns out that Paul Greenwood was  
3 the one who was really the rock of trying to accomplish  
4 stability for them.

5 We understand Mr. Greenwood is not going home from  
6 jail tomorrow. I understand he is going to be there for a  
7 period of years more. But Laura is now 17, Mr. Greenwood is  
8 69, and we have requested that the Court impose, as the  
9 presentence report recommends, a five-year prison sentence on  
10 him. There is a significant difference, I submit, in terms of  
11 Laura's future development if she sees her father as getting  
12 out of jail within the next three, three-and-a-half years, with  
13 the year he has already been in, at age 72, 73, as opposed to  
14 getting out of jail at age 76 or 77.

15 THE COURT: What date did Mr. Greenwood surrender on,  
16 more or less?

17 MR. HAFETZ: It's a little more than a year ago.

18 THE DEFENDANT: March 15th of last year.

19 MR. HAFETZ: Further, with regard to consideration,  
20 still on the subject of the personal and history circumstances,  
21 is Mr. Greenwood's conduct in prison. As *Pepper v. U.S.*, the  
22 Supreme Court case 2011 --

23 THE COURT: I have your letter.

24 MR. HAFETZ: -- states, he really exhibited, I  
25 believe, quite impressive rehabilitative conduct in prison. He

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1 is a man of abilities. He has used his abilities to the  
2 benefit of prisoners at Butner who are much less fortunate in  
3 life. He spent, I believe, 30 hours or so tutoring inmates,  
4 many of them drug defendants.

5 Just in terms of basic financial rudiments --

6 THE COURT: I really had the letter. I read it.

7 MR. HAFETZ: So we submit all of these factors, your  
8 Honor, with regard to the personal and history and  
9 characteristics militate, we believe, strongly in favor of a  
10 sentence that we would request of five years.

11 Additionally, as stated in our papers, Mr. Greenwood  
12 has rendered substantial assistance to the government. The  
13 government's 5K submission to the Court makes clear Mr.  
14 Greenwood's cooperation with the government was prompt, it  
15 began really about the time of the criminal charge against him,  
16 long-standing, continued over a period of five years, and it  
17 was substantial, as is detailed in the submission by Ms.  
18 Masella to the Court.

19 THE COURT: Yes, sir.

20 MR. HAFETZ: In addition, he has also cooperated  
21 substantially with the court appointed receiver in the recovery  
22 of assets so that approximately 95 percent of the amount of  
23 investors' investment has been recovered at this point with Mr.  
24 Greenwood's efforts contributing to that.

25 THE COURT: The presentence report says 90. Has it

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1 increased to 95?

2 MR. HAFETZ: It has, your Honor.

3 MS. MASELLA: I think it's even higher than that at  
4 this point. I think it's closer to 98 or 99.

5 THE COURT: How did that get done?

6 MS. MASELLA: How did the recovery get done?

7 THE COURT: In reading the papers, it seemed that, for  
8 example, some of the funds invested perhaps went to the  
9 building of a house. How did those funds get recovered to the  
10 extent of over 95 percent?

11 MS. MASELLA: Both Mr. Greenwood and his codefendant  
12 consented to orders of forfeiture with respect to property.  
13 But I believe the bulk of the money that was recovered was  
14 actually from investments that were in fact made, and I think  
15 that Mr. Greenwood helped in identifying and aiding the  
16 receiver in recovering that money.

17 MR. HAFETZ: I believe that includes advice on how to  
18 liquidate assets for maximum recovery.

19 With regard to the Second Circuit reversed  
20 resentencing, the grounds, there was no record evidence with  
21 regard to a finding on which the prior judge relied for  
22 sentencing, claimed that there were many small investors who  
23 were injured or devastated. As we state in our papers, there  
24 is no evidence on the record of many small investors, the small  
25 investors being devastated or injured with regard to the

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1 criminal conduct.

2 Finally, your Honor, I would like to address the  
3 shadow guidelines, the American Bar Association task force  
4 recommendations. The task force was appointed in, I believe,  
5 2014. Included on it are several distinguished jurists from  
6 this circuit: Judge Lynch, then Judge Gleeson, Judge Rakoff.  
7 All were members of this commission. The commission was formed  
8 in reaction to the extremely high, draconian guidelines in  
9 fraud cases.

10 THE COURT: I am actually familiar with them.

11 MR. HAFETZ: I am sure you're more familiar with them  
12 than I am, your Honor. And I am sure your Honor is familiar  
13 with the at least three decisions that I was able to find in  
14 the last year, in which judges in this district -- not this  
15 district, the Eastern District, Judge Vitaliano, who in the  
16 face of lifetime guidelines, imposed a sentence of five years,  
17 and Connecticut cases as well which gave extremely lower  
18 sentences than the severe guideline sentences caused by the  
19 fraud guideline calculation.

20 Significant, I believe, is that in none of those cases  
21 was there any cooperation by the defendant. Those sentences  
22 were given without 5Ks and there were trials; there was no plea  
23 of guilty, acknowledgement of remorse. The shadow guidelines  
24 here calculate, I believe to be seven to nine and a quarter  
25 years, but that's without taking into account at all the

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1 substantial assistance 5K, which generally, I believe in this  
2 district, plays a significant role in going below the  
3 guidelines, as well as the plea of guilty and the  
4 acknowledgement of guilt.

5 So, in toto, your Honor, in sum, Mr. Greenwood is now  
6 69 years old, the crime is a serious one, as we certainly  
7 acknowledge Mr. Greenwood has acknowledged his remorse for it,  
8 but the picture with regard to sentencing, the full picture  
9 under the very significant 3553(a) factors on what kind of life  
10 he has lived in his seven decades, in terms of the  
11 extraordinary, truly extraordinary good acts he has performed  
12 steadily for decades, as well as the other factors, the  
13 consideration with regard to the delicate family situation,  
14 with regard to his rehabilitative conduct in the last 15  
15 months, the very strong assistance to the government, as shown  
16 in the 5K submission from the government, and the ABA  
17 recommendations, the shadow guidelines, which we ask your Honor  
18 to consider in the case, in sum, with regard to all of this, we  
19 ask that your Honor sentence Mr. Greenwood to a prison term of  
20 five years.

21 THE COURT: Thank you.

22 Mr. Greenwood, would you like to speak on your own  
23 behalf?

24 THE DEFENDANT: Yes, please, just briefly.

25 THE COURT: Yes, sir.

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1 THE DEFENDANT: First, I would like to apologize to  
2 the Court for my serious criminal misconduct. I have accepted  
3 full responsibility for my fraudulent conduct. I cannot  
4 express deeply enough my remorse for what I have done.

5 Next, I would like to apologize to those who put their  
6 trust in me, to my friends, my wife Robin, our two daughters,  
7 and the rest of our family, for the grief and heartache that my  
8 actions have caused. I am truly sorry.

9 Finally, I have done my best during my time in prison  
10 and will continue to use my abilities to help others less  
11 fortunate than I.

12 Thank you.

13 THE COURT: Yes, sir. Thank you.

14 Does the government wish to be heard?

15 MS. MASELLA: Just very briefly, your Honor.

16 We did submit a 5K letter and made a motion pursuant  
17 to 5K1.1. I would just like to underscore or emphasize a few  
18 points about Mr. Greenwood's cooperation.

19 First of all, it was very early in the process that he  
20 agreed to cooperate, and did cooperate fully. He came in for  
21 proffer sessions with the government very shortly after the  
22 time he was arrested and charged in this case. And the arrest  
23 and the charge in this case was the first indication to him  
24 that the government was aware of the conduct.

25 Secondly, he did cooperate fully. From the first

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1 moment that he attended proffer sessions, he was fully  
2 forthcoming and candid with the government about the full  
3 extent of his conduct. He assisted not only the government,  
4 but the court appointed receiver, as laid out in the letter, in  
5 terms of recovering the assets.

6 Finally, your Honor, his cooperation was significant,  
7 in the sense that his codefendant, Mr. Walsh, fought his case  
8 for nearly five years and it wasn't until a month or maybe six  
9 weeks before a trial date that he agreed to plead guilty and  
10 accept responsibility for his crime.

11 Mr. Greenwood's testimony at the trial, for which the  
12 government had already begun to meet with Mr. Greenwood and to  
13 prepare, would have been significant, in the sense that Mr.  
14 Walsh had many fewer dealings directly with investors. We had  
15 fewer witnesses who could have said that Mr. Walsh made  
16 representations to investors about the nature of the  
17 investments.

18 So Mr. Greenwood, although there were documents  
19 demonstrating Mr. Walsh's involvement in the crime, Mr.  
20 Greenwood really would have provided the narrative link at  
21 trial that would have explained Mr. Walsh's involvement and his  
22 knowledge of the full extent of the fraud; and, therefore, in  
23 the government's view, it would have been significant  
24 testimony.

25 THE COURT: Thank you.



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1 Anything else, Mr. Hafetz?

2 MR. HAFETZ: No, your Honor.

3 THE COURT: Thank you.

4 Counsel, I will not repeat what Judge Cedarbaum said  
5 about the significance of Mr. Greenwood's cooperation, but I  
6 agree that Mr. Greenwood provided substantial assistance to the  
7 government, that it was particularly significant with respect  
8 to Mr. Walsh.

9 I accept the government's evaluation that Mr.  
10 Greenwood's assistance was forthcoming and candid, and I  
11 particularly note his working with the receiver to recover over  
12 95 percent of the funds that had been lost.

13 With respect to the nature and circumstances of the  
14 offense, certainly, the presentence report accurately reflects  
15 them. I take Mr. Hafetz's point that the operation of the  
16 fraud guidelines results in an inaccurate total offense level  
17 with respect to this crime and crimes of this nature with the  
18 amount of the loss in these very high numbers. Nevertheless,  
19 it was a serious crime. The deception of all of these people  
20 who looked to invest is a serious matter, which in the normal  
21 case would require a lengthy prison sentence, perhaps not the  
22 sentence that is required by the guidelines, but certainly a  
23 lengthy sentence.

24 With respect to the history and characteristics of the  
25 defendant, I do take Mr. Hafetz's point, as illustrated by the

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1 numerous letters, that Mr. Greenwood was extraordinarily  
2 charitable long before he had any involvement with the law and  
3 long before there were any proceeds of any illegal activities  
4 to use for those charitable acts. Thus, I weigh them  
5 particularly heavily.

6 In addition, the other major factor influencing this  
7 sentence is, of course, Mr. Greenwood's timely and significant  
8 cooperation with the government; not only with respect to  
9 prosecuting his codefendant, but also in obtaining money to  
10 restore to the victims of the fraud.

11 As I mentioned, going down to the paragraph 2 factors,  
12 there ordinarily would be a need for a serious prison sentence  
13 to reflect the seriousness of the offense. Here, because of  
14 the two personal characteristics of Mr. Greenwood that I  
15 pointed out -- his cooperation and his prior extraordinary  
16 charitable works -- the need for such a lengthy sentence is not  
17 present.

18 Similarly, a lengthy sentence would be ordinarily  
19 required for public deterrence. Here, as to private  
20 deterrence, I have full confidence that we do not need to  
21 incarcerate Mr. Greenwood to protect the public from further  
22 crimes of his.

23 The paragraph D factors of educational and vocational  
24 rehabilitation are, of course, of very little weight here. I  
25 have in mind the paragraph 3, 4 and 5 factors.

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1           And with respect to paragraph 6, the need to avoid  
2           unwarranted sentencing disparities, I think there are two  
3           things that work here. One is the unfortunate operation of the  
4           fraud guidelines in cases like this. The second, of course, is  
5           the personal characteristics of Mr. Greenwood.

6           Finally, with respect to restitution, Mr. Greenwood  
7           has done a great deal of work with respect to restitution, and  
8           he is to be applauded for that.

9           May I ask a question? I notice in the earlier  
10          judgment the amount of restitution was to be determined. Where  
11          are the parties on restitution at this point in time?

12          MS. MASELLA: One moment, your Honor.

13          Your Honor, the government had prepared and submitted  
14          a restitution order for the codefendant, Mr. Walsh. I can go  
15          ahead and submit one for Mr. Greenwood. At this point, he has  
16          surrendered in excess of 20 or 25 million dollars worth of  
17          assets to the receiver. So we don't believe that there are  
18          substantial assets remaining, but the government will prepare  
19          and submit a restitution order in the event that additional  
20          assets are recovered.

21          THE COURT: All right. What is your view of payment  
22          going forward, other than the location of other assets? Page  
23          36 of the presentence report, the probation officer recommends  
24          monthly payments of 10 percent of gross monthly income.

25          MR. HAFETZ: As I understand it, Mr. Greenwood really

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1 doesn't have any assets anymore. If he had them, he has  
2 basically turned them over.

3 THE COURT: I am asking a different question. I am  
4 asking about going forward, a percentage of gross monthly  
5 income.

6 MR. HAFETZ: I certainly have no objection to that.

7 THE COURT: OK.

8 Taking all of these factors into account, counsel, it  
9 is my intention to impose a sentence of five years'  
10 incarceration, followed by a period of three years of  
11 supervised release on all counts.

12 It is my intention to impose the recommended special  
13 conditions with respect to credit charges and financial  
14 information.

15 It is not my intention to impose a fine.

16 It is my intention to impose a restitution order  
17 requiring monthly payments of 10 percent of Mr. Greenwood's  
18 gross monthly income. And it is my intention to impose the  
19 \$600 special assessment.

20 Is there any reason, counsel, why such a sentence  
21 should not be imposed?

22 MR. HAFETZ: No, your Honor.

23 MS. MASELLA: No, your Honor.

24 THE COURT: Very well.

25 Mr. Greenwood.

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1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Sir, you're sentenced to a period of five  
3 years' incarceration. Following that time, you will spend a  
4 period of three years on supervised release on all counts, to  
5 run concurrently, for a total of three years.

6 During that time, you will comply with all of the  
7 standard terms and conditions of supervised release, which  
8 include that you shall not commit another federal, state or  
9 local crime, you not illegally possess a controlled substance,  
10 and you not possess a firearm or other destructive device.

11 In addition to those and all of the other standard  
12 terms and conditions of supervised release, during that period  
13 you will provide the probation officer with access to any  
14 requested financial information. In addition, you will not  
15 incur any new credit charges or open any additional lines of  
16 credit without the approval of the probation officer, unless  
17 you are in compliance with the installment payment schedule.

18 As I mentioned, I do not impose a fine, but will  
19 consider the restitution order that will be submitted by  
20 counsel. When the amount of restitution is determined, you  
21 will begin payments within one month of the entry of this  
22 amended judgment. During the period of incarceration, if you  
23 are engaged in a non-UNICOR work program, you will pay \$25 per  
24 quarter toward the criminal financial penalties. If you  
25 participate in the BOP's UNICOR program at a grade 1 through 4,

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1 you will pay 50 percent of your monthly UNICOR earnings toward  
2 the criminal financial penalties, consistent with BOP  
3 regulations at 28 C.F.R., Section 545.11. Any payment made  
4 that's not paid in full shall be divided proportionately among  
5 the persons named.

6 Upon release, sir, you will continue to pay  
7 restitution in monthly installments of no less than 10 percent  
8 of your gross monthly income. Those payments will commence 30  
9 days after your release.

10 Finally, sir, to the extent it has not been paid, I  
11 must impose and do impose the \$600 special assessment.

12 Mr. Greenwood, it is my duty to inform you that unless  
13 you have waived it, you have the right to appeal this sentence,  
14 and you might have the right to appeal in forma pauperis, which  
15 means as a poor person, with the waiver of certain fees and  
16 expenses.

17 Counsel, is there anything further?

18 MR. HAFETZ: No, your Honor.

19 MS. MASELLA: No, your Honor.

20 THE COURT: Mr. Greenwood, I appreciate what you said  
21 about the seriousness of your criminal behavior. It was indeed  
22 very serious and very harmful to many people. On the other  
23 hand, I salute you for your prior charitable works, and  
24 particularly for your cooperation in this case, and  
25 particularly for working with the receiver to obtain payment

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1 for as many of the victims as possible.

2 Good afternoon, counsel. Thank you for your  
3 assistance.

4 THE DEFENDANT: Thank you very much.

5 THE COURT: Yes, sir.

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